



## **Report to the Legislature**

# **Services to Persons with Disabilities who have Community Protection issues or are Diverted/Discharges from State Hospitals**

Chapter 7, Laws of 2001, E2, Section 205(1)(c) Uncodified

(Public Safety Proviso)

May 15, 2003

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Chapter 7, Laws of 2001, E2, Section 205(1)(c) called the Public Safety Proviso, requires the Department of Social and Health Services' Division of Developmental Disabilities (DDD) to report, within 45 days following each fiscal quarter, the number of persons served in the community through this section, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

## **BACKGROUND**

### **Prison Discharge Clients**

As part of the Public Safety Proviso, the legislature appropriated funds to DDD to provide community supports for 26 individuals with developmental disabilities upon their release from the Department of Corrections (DOC). These funds were provided at an average daily rate of \$275.00 per client/per day.

### **Hospital Discharge/Diversion Clients**

Providing services to individuals with developmental disabilities who are diagnosed with mental illness and/or are otherwise gravely disabled is a long-term state and national issue. Since 1985, the Washington State Legislature has periodically provided funding to enable some developmentally disabled clients to move out of state hospitals when community placement is recommended. Between the periods of August 1996-1998, however, the number of people with developmental disabilities at the state's two psychiatric hospitals grew from 53 to a high of 92.

In January 1999, the Washington Protection and Advocacy System filed a federal class action lawsuit (*Allen v DSHS*) alleging abuse and neglect of individuals with developmental disabilities at Western State Hospital (WSH). It further alleged that individuals were denied opportunities for discharge and community support, and that they were at risk for unnecessary involuntary commitment. A mediated settlement agreement was reached in December 1999. Among the terms of the agreement, the state agreed to request funding from the legislature to implement a 3-phase remedy titled the Division of Developmental Disabilities/Mental Health Division Collaborative Work Plan.

The supplemental budget passed in the 2000 legislative session included \$6,673,000 to fund phases one and two of the collaborative work plan. Phase 3 of the work plan proposed to establish involuntary treatment facilities. Phase 3 was not initially funded. The legislature instead required a comprehensive study of long-term treatment alternatives for individuals with developmental disabilities and mental illness. The report's recommendation was to continue to house involuntary treatment clients at the two state psychiatric hospitals.

The legislature authorized funds to support Phase 3 at the state psychiatric hospitals in the 2001-2003 operating budget.

As part of the Public Safety Proviso, the legislature appropriated funds to DDD to provide community supports for eighteen (18) individuals with developmental disabilities upon their release from state psychiatric hospitals and thirty (30) individuals with developmental disabilities who utilized diversion beds in an effort to avoid unnecessary hospitalization. These funds were provided at an average daily rate of \$275.00 per client/per day.

## **STATUS**

### **Prison Discharge Clients**

Twenty-three (23) individuals have been placed into the Division's Community Protection Program this biennium. Eighteen (18) were from DOC; four (4) were from the Department of Social and Health Services (DSHS) Juvenile Rehabilitation Administration, and one from the federal prison system. The average daily rate is \$290.72. (See attached spreadsheet under Prison Outplacements).

During the quarter January 2003 through March 2003 no individuals were placed in the community.

Housing for individuals who must register as sex offenders is becoming increasingly difficult to secure. Division staff have participated in several public meetings held by the local law enforcement agencies for community notification of registered sex offenders.

### **Hospital Discharge/Diversion Clients**

#### ***Hospital Outplacements***

The Division of Developmental Disabilities has placed seventeen clients out of the state psychiatric hospitals since July 1, 2001 with an average daily rate of \$268.24. (See

attached spreadsheet under Hospital Outplacements. It is noted here that the division placed these 17 individuals using 16 funded outplacement slots).

For the quarter January 2003 through March 2003, four clients were placed into Intensive Supported Living Services (ISLS). Prior to community placement, 2 individuals received habilitative mental health services at Western State Hospital (WSH) as part of the WSH DDD specialized treatment unit. These inpatient services included group and individual counseling services, vocational services, and highly specialized individual treatment services and planning, including functional assessments and positive behavior support plans. The other two individuals received similar services at Eastern State Hospital (ESH) as part of the ESH DDD specialized treatment unit.

TM is a man with mild mental retardation who was transferred to WSH in March of 2000 from the Special Commitment Center where TM “ was civilly committed after serving time...” for assault, harassment of women, and breaking and entering. While at WSH, TM was diagnosed with major mental illness and received treatment including psychotropic medications. After stabilizing, TM was discharged to the community and began receiving residential services from a DDD Certified Community Protection Provider. TM is employed through the group supported employment program and works as a custodian. TM receives therapy services from an Sex Offender Treatment Provider (SOTP) and his mental health services from the local mental health center.

HF is a man with moderate mental retardation and multiple medical problems who was admitted to ESH in June 2002 after becoming delusional and agitated. HF began assaulting staff and his roommate at the nursing home where he was staying temporarily after recovering from venous insufficiency and cerebella atrophy. HF’s condition is expected to worsen over time. After being psychiatrically stabilized at ESH, HF returned to an ISLS residential program with increased supports. HF receives his mental health services at the local mental health center, and while he does not currently work, he does receive Community Access services so that he can maintain contact with his community on a daily basis.

AC is a man with mild mental retardation who was admitted to ESH after becoming assaultive against his sister and brother-in-law. AC was made eligible for DDD services on May 15, 2002 via the Inventory for Client and Agency Planning (ICAP), and had previously received Medicaid Personal Care (MPC) services while residing with his sister and her husband. AC experienced previous episodes of aggression but on this occasion his family refused to allow him to return home. AC moved to the community in March 2003, and receives ISLS services, has a guardian, and is served by Division of Vocational Rehabilitation (DVR). His mental health services are provided by the local mental health center.

ES has mild mental retardation and was made eligible for DDD services while at WSH where she was being treated for major mental illness. ES had been a long time

recipient of mental health services in the greater Seattle area. Prior to being at WSH, ES resided in an Adult Family Home (AFH) and because of her assaultiveness was not able to return there. Once ES had completed treatment at WSH, she was placed into an ISLS residential program where she receives increased daily supports, including increased supervision and monitoring. ES has been referred for vocational services and is working with an employment counselor to find employment. ES continues to receive her mental health services on a much more regular basis and is doing well.

### ***Diversion Bed Outplacements***

The Division of Developmental Disabilities has placed thirty (30) clients into the community from the crisis diversion beds since July 1, 2001, with an average daily rate of \$265.86 (See attached spreadsheet under Diversion Bed Outplacements. It is noted here that the division placed these 30 individuals using 27 funded outplacement slots).

For the quarter January 2003 through March 2003, four (4) clients were placed from diversion beds into proviso-funded residential services and supports.

JP is a 22 year-old woman with mild mental retardation who was admitted to WSH from her AFH after assaulting another AFH resident and several staff in March 2002. JP was placed in a diversion bed prior to going to WSH. JP had a history of running away and of demonstrating impulsive and unsafe behaviors that led to significant victimization by men. JP had resided with her parents previous to living in an AFH but they could not control her behavior and she frequently assaulted them. After completing her treatment at WSH, JP moved to Seattle and began receiving ISL services from a Certified Community Protection Provider. She receives close supervision and monitoring while out in the community and is currently working with an employment counselor. She receives her mental health services from the local mental health center and SOTP services on a weekly basis.

MT is a 57 year-old woman with mild mental retardation and significant medical issues, including unstable diabetes, who was admitted to a crisis diversion bed from a temporary placement in a nursing home after becoming despondent over the death/loss of two close family members within six months. MT had a history of depression and became unable to care for herself to the point where her lack of attention to her diabetes became near lethal. On admission to the diversion bed, MT was delusional and her blood sugars ranged from 50-500. MT was refusing to wear clothing, screaming, and incontinent. After stabilizing, she was placed into a community ISLS residential program where she receives 24-hour per day supports. MT is not stable nor strong enough to work, but goes on outings frequently. She receives on-going mental health services, including counseling and medications, from the local mental health center.

TW is a man with mild mental retardation who was admitted to a diversion bed after becoming increasingly agitated and unable to care for himself. He had previously

resided in a group home but had moved in a supported living setting with a limited number of service support hours. TW has a history of mental illness and becomes increasingly assaultive when he stops his medications. TW was transferred to WSH when he could not stabilize in the crisis diversion bed. TW remained at WSH for several months and when his treatment was completed he returned to his previous ISL setting with increased service hours and supports. TW reluctantly left the state hospital and continues to wish he could return there. He receives mental health services and supports from the local mental health center and is involved in a vocational program.

CB is a young woman with moderate mental retardation who had previously resided in her parent's home until her parents were no longer able to care for her due to increasingly bizarre and odd behaviors. CB moved into an AFH on a trial basis, but after several days was discharged due to aggression and assaults against the care provider. She was admitted to ESH but after stabilizing at there, she was admitted to a diversion bed as a step-down from the state hospital. From there, CB was placed with an ISLS provider. She receives her mental health services from the local mental health center and has recently begun to work with a vocational counselor to find employment.

**2001-2003**  
**Proviso Tracking OUTPLACEMENT TOTALS**

Diversion Bed Outplacements					Type of Services				Expenditures	
Region	Client Number	Previous Residence	Residential Start Date	Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Average Daily Expend.	Total Expend. To Date
4	#1 AH	Family Home	7/26/2001	614	\$ 246.00	\$ 24.00	\$ -	\$ -	\$ 270.00	\$ 165,780.00
6	#2 MA	Group Home	8/19/2001	590	\$ 274.90	\$ -	\$ -	\$ -	\$ 274.90	\$ 162,191.00
1	#3 JP	Adult Family Home	11/1/2001	516	\$ 234.39	\$ 24.00	\$ -	\$ -	\$ 258.39	\$ 133,329.24
3	#4 CS	Adult Family Home	11/1/2001	516	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 141,848.40
6	#5 GM	Group Home	12/1/2001	486	\$ 42.03	\$ -	\$ 10.00	\$ -	\$ 52.03	\$ 25,286.58
2	#6 MH	Group Home	12/17/2001	470	\$ 267.15	\$ -	\$ -	\$ 10.00	\$ 277.15	\$ 130,260.50
4	#7 TR	Adult Family Home	12/20/2002	467	\$ 235.05	\$ 24.00	\$ 10.00	\$ -	\$ 269.05	\$ 125,646.35
6	#8 JE	Adult Family Home	1/7/2002	449	\$ 212.87	\$ -	\$ -	\$ 10.00	\$ 222.87	\$ 100,068.63
2	# 9 OH	ITS	2/1/2002	424	\$ 250.89	\$ 24.00	\$ -	\$ -	\$ 274.89	\$ 116,553.36
4	#10 MS	Parents Home	3/1/2002	396	\$ 249.50	\$ 24.00	\$ -	\$ -	\$ 273.50	\$ 108,306.00
5	#11 OL	Homeless	3/1/2002	396	\$ 263.33	\$ 18.00	\$ -	\$ 10.00	\$ 291.33	\$ 115,366.68
3	#12 AE	Adult Family Home	3/15/2002	382	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 105,011.80
1	#13 BW	Adult Family Home	3/29/2002	368	\$ 242.41	\$ 17.34	\$ -	\$ 10.00	\$ 269.75	\$ 99,268.00
5	#14 WF	ITS	4/2/2002	364	\$ 227.84	\$ 20.00	\$ -	\$ 10.00	\$ 257.84	\$ 93,853.76
2	#15 CP	Ind Provider	5/15/2002	321	\$ 245.03	\$ 21.37	\$ -	\$ -	\$ 266.40	\$ 85,514.40
3	#16 TD	ITS	6/1/2002	304	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 83,569.60
1	#17 SG	homeless	6/28/2002	277	\$ 210.00	\$ 16.43	\$ -	\$ 8.21	\$ 234.64	\$ 64,995.28
6	#18 CD	ITS/SL	8/19/2002	225	\$ 84.48	\$ -	\$ -	\$ -	\$ 84.48	\$ 19,008.00
6	#19 GM	ITS/SL	8/22/2002	222	\$ 36.78	\$ -	\$ -	\$ -	\$ 36.78	\$ 8,165.16
6	#20 DS	AFH & ITS	9/6/2002	207	\$ 168.10	\$ -	\$ 10.00	\$ 10.00	\$ 188.10	\$ 38,936.70
5	#21 DH	ITS/SL	9/26/2002	187	\$ 249.77	\$ 20.00	\$ -	\$ 10.00	\$ 279.77	\$ 52,316.99
3	#22 JH	ITS/SL	10/1/2002	182	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 50,031.80
4	#23 AM	Homeless	10/18/2002	165	\$ 249.50	\$ 24.00	\$ -	\$ -	\$ 273.50	\$ 45,127.50
6	#24 DS	GH	10/29/2002	154	\$ 223.12	\$ -	\$ 10.00	\$ 5.00	\$ 238.12	\$ 36,670.48
4	#25 RD	AFH	11/30/2002	122	\$ 250.90	\$ 24.00	\$ -	\$ -	\$ 274.90	\$ 33,537.80
4	#26 JC	ITS/SL	11/27/2002	125	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 34,362.50
5	#27 JP	ITS/SL/WSH	1/10/2003	81	\$ 332.03	\$ -	\$ 18.08	\$ -	\$ 350.11	\$ 28,358.91
5	#28 MT	ARC	2/1/2003	59	\$ 246.97	\$ 20.00	\$ -	\$ -	\$ 266.97	\$ 15,751.23
6	#29TW	WSH	3/1/2003	31	\$ 70.40	\$ -	\$ -	\$ -	\$ 70.40	\$ 2,182.40
1	#30 CB	parents home	3/1/2003	31	\$ 221.35	\$ 16.50	\$ -	\$ 10.00	\$ 247.85	\$ 7,683.35
Average for Diversion Bed Outplacements									\$ 239.27	\$ 2,219,116.65
					Average less 3				\$ 265.86	

placed as part of # 8

placed as part of # 20  
placed as part of # 24

2001-2003  
Proviso Tracking OUTPLACEMENT TOTALS

Hospital Outplacements					Type of Services				Expenditures	
Region	Client Number	Previous Residence	Residential Start Date	Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Average Daily Expend.	Total Expend. To Date
6	#1 JC	WSH	9/10/2001	568	\$ 254.90	\$ -	\$ 10.00	\$ 10.00	\$ 274.90	\$ 156,143.20
3	#2 ST	WSH	8/1/2001	608	\$ 240.90	\$ 24.00	\$ -	\$ 10.00	\$ 274.90	\$ 167,139.20
4	#3 DH	WSH	10/22/2001	526	\$ 207.80	\$ 24.00	\$ -	\$ -	\$ 231.80	\$ 121,926.80
5	#4 LM	WSH	12/28/2001	451	\$ 254.89	\$ 20.00	\$ -	\$ -	\$ 274.89	\$ 123,975.39
5	#5 RG	WSH	12/28/2001	451	\$ 254.89	\$ 20.00	\$ -	\$ -	\$ 274.89	\$ 123,975.39
2	#6 ES	ESH	12/6/2001	481	\$ 258.67	\$ 24.00	\$ -	\$ 14.80	\$ 297.47	\$ 143,083.07
6	#7 KS	WSH	1/31/2002	425	\$ 274.90	\$ -	\$ -	\$ -	\$ 274.90	\$ 116,832.50
4	#8 AH	WSH	2/1/2002	424	\$ 249.50	\$ 24.00	\$ 6.60	\$ 14.50	\$ 294.60	\$ 124,910.40
5	#9 KT	WSH	5/1/2002	335	\$ 243.96	\$ 20.00	\$ -	\$ 10.00	\$ 273.96	\$ 91,776.60
6	#10 LL	WSH	8/21/2002	223	\$ 171.25	\$ -	\$ 10.00	\$ 5.00	\$ 186.25	\$ 41,533.75
6	#11 GM	WSH	8/22/2002	222	\$ 88.59				\$ 88.59	\$ 19,666.98
6	#12 JH	WSH	8/1/2002	243	\$ 244.00	\$ 30.00	\$ -	\$ 10.00	\$ 284.00	\$ 69,012.00
1	#13 BS	ESH	11/18/2002	134	\$ 258.50	\$ 16.50	\$ -	\$ -	\$ 275.00	\$ 36,850.00
5	14 TM	WSH	1/9/2003	82	\$ 241.55	\$ 20.00	\$ -	\$ 10.00	\$ 271.55	\$ 22,267.10
1	#15 HF	ESH	1/15/2003	76	\$ 206.24	\$ -	\$ -	\$ -	\$ 206.24	\$ 15,674.24
1	#16AC	ESH	3/19/2003	13	\$ 207.09	\$ 16.50	\$ -	\$ 10.00	\$ 233.59	\$ 3,036.67
4	#17ES	WSH	3/30/2003	2	\$ 246.23	\$ 24.00	\$ -	\$ 4.21	\$ 274.44	\$ 548.88
									\$ 4,291.97	
Average for Hospital Outplacements									\$ 252.48	\$ 1,378,352.17
									Average less 1	\$ 268.24

placed as part of # 10



**2001-2003  
Proviso Tracking OUTPLACEMENT TOTALS**

Prison Outplacements					Type of Services				Expenditures	
Region	Client Number	Previous Residence	Residential Start Date	Number of Days in Service	Residential Daily Rate	Day Services Daily Rate	Other Daily Rate	Therapies Daily Rate	Average Daily Expend.	Total Expend. To Date
6	#1 SB	DOC	7/1/2001	639	\$ 307.14	\$ -	\$ 3.61	\$ 26.27	\$ 337.02	\$ 215,355.78
6	#2 PR	DOC	7/1/2001	639	\$ 247.50	\$ -	\$ 20.88	\$ 26.27	\$ 294.65	\$ 188,281.35
5	#3 TC	DOC	11/21/2001	496	\$ 240.01	\$ 20.00	\$ -	\$ 14.80	\$ 274.81	\$ 136,305.76
3	#4 TB	DOC	1/1/2002	455	\$ 273.00	\$ 26.97	\$ -	\$ 10.00	\$ 309.97	\$ 141,036.35
3	#5 DT	DOC	2/1/2002	424	\$ 273.00	\$ 26.00	\$ -	\$ 10.00	\$ 309.00	\$ 131,016.00
4	#6 EW	Juvenile Rehab	3/1/2002	396	\$ 320.62		\$ 6.57		\$ 327.19	\$ 129,567.24
5	#7 DB	DOC	3/1/2002	396	\$ 262.13	\$ 20.00	\$ -	\$ 15.00	\$ 297.13	\$ 117,663.48
3	#8 JB	Juvenile Rehab	4/2/2002	364	\$ 272.00	\$ 20.00		\$ 10.00	\$ 302.00	\$ 109,928.00
6	#9 JWB	DOC	6/20/2002	284	\$ 244.00	\$ 20.00		\$ 17.37	\$ 281.37	\$ 79,909.08
4	#10 DO	DOC	5/28/2002	308	\$ 239.87	\$ 20.00		\$ 12.00	\$ 271.87	\$ 83,735.96
4	#11 MC	Fed DOC	4/24/2002	342	\$ 244.08	\$ 20.00		\$ 12.00	\$ 276.08	\$ 94,419.36
1	#12 JB	DOC	8/14/2002	230	\$ 260.72	\$ 16.44		\$ 10.00	\$ 287.16	\$ 66,046.80
1	#13 JR	DOC	8/15/2002	229	\$ 260.72	\$ 16.44		\$ 10.00	\$ 287.16	\$ 65,759.64
2	#14 KH	DOC	7/31/2002	244	\$ 260.25	\$ 24.00		\$ 14.79	\$ 299.04	\$ 72,965.76
2	#15 CT	DOC	8/15/2002	228	\$ 231.15	\$ 19.98	\$ 10.91	\$ 11.83	\$ 273.87	\$ 62,442.36
4	#16 BW	DOC	8/18/2002	226	\$ 245.93	\$ 24.00	\$ 6.57	\$ 16.27	\$ 292.77	\$ 66,166.02
5	#17 PS	Juvenile Rehab	8/21/2002	223	\$ 229.30	\$ 19.98		\$ 14.79	\$ 264.07	\$ 58,887.61
5	#18 TH	DOC	9/26/2002	187	\$ 254.06	\$ 19.98		\$ 14.79	\$ 288.83	\$ 54,011.21
4	#19 BG	DOC	10/9/2002	174	\$ 245.93	\$ 24.00	\$ 6.57	\$ 16.27	\$ 292.77	\$ 50,941.98
5	#20 HV	DOC	11/25/2002	126	\$ 256.04	\$ 19.98		\$ 14.79	\$ 290.81	\$ 36,642.06
6	#21 TM	DOC	10/1/2002	182	\$ 232.00	\$ 34.00	\$ 1.00	\$ 10.00	\$ 277.00	\$ 50,414.00
6	#22 NA	DOC	10/1/2002	182	\$ 232.00	\$ 34.00		\$ 10.00	\$ 276.00	\$ 50,232.00
6	#23 CG	Juvenile Rehab	10/25/2002	158	\$ 232.00	\$ 34.00		\$ 10.00	\$ 276.00	\$ 43,608.00
Average for Prison Outplacements					Average				\$ 290.72	\$ 2,105,335.80
Total Average Daily Expenditures									\$ 274.88	
Total Expenditures to Date										\$ 5,702,804.62